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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/639,385	08/14/2000	Jonathan P. Krueger	5437-015CIP	9772
25920	7590	06/28/2006	EXAMINER	
MARTINE PENILLA & GENCARELLA, LLP			SONG, HOSUK	
710 LAKEWAY DRIVE			ART UNIT	
SUITE 200			PAPER NUMBER	
SUNNYVALE, CA 94085			2135	

DATE MAILED: 06/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/639,385	Applicant(s) KRUEGER, JONATHAN P.	
	Examiner HOSUK SONG	Art Unit 2135	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10, 14 and 15 is/are rejected.
- 7) ☒ Claim(s) 11-13, 16-18 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

1. Claims 1-8 are rejected under 35 U.S.C. 102(e) as being anticipated by Walsh et al(US 5,956,481).

Claims 1,5: Walsh patent disclose receiving selected information including an asserted source of the information; encryption-created authentication signature of the asserted source;determining whether the signature is authentic, the signature being determined to be authentic when the signature can be decrypted to produce information that is coincident with a predetermined authentication reference in (col.15,lines 34-43). Walsh disclose applying the selected information to a preferred information buffer when signature is determined to be authentic in (col.15,lines 58-64).

Claims 2,6: Walsh disclose when signature is determined to be not authentic, applying selected information to a non-preferred information buffer in (fig.2 and col.1,lines 37-52).

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Claims 3,7: Walsh declining to process selected information further when signature is determined to be not authentic in (fig.2 and col.15,lines 7-11).

Claims 4,8: Walsh discloses providing an authentication signature for content to selected information in (col.15,lines 33-37).

2. Claims 9-10,14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shanton(US 5,680,452) in view of Walsh(US 5,956,481).

Claims 9,14: Shanton disclose e-mail message for a specified recipient including a signature for an asserted source(col.8,line 8) and an asserted access level for the message in (col.2,lines 65-67; col.3,lines 1-13). Shanton disclose comparing the asserted access level with a required level for the recipient in (col.5,lines 20-24 and fig.3). Shanton disclose when asserted access level is at least as great as the required access level, permitting the message to be accessed by the recipient in (col.6,lines col.6,lines 21-37). Shanton does not specifically disclose authenticating the signature. Walsh patent disclose authenticating the signature of the file in (col.15,lines 33-43). It would have been obvious to person of ordinary skill in the art at the time invention was made to authenticate digital signature in the file taught in Walsh with message system disclosed in Shanton in order to authenticate identity of the data and to ensure that the original content of the message that has been sent is unaltered thus preventing wide spread of viruses.

Claims 10,15: Shanton does not specifically discloses declining to permit access by recipient to the message when signature is determined to be not authentic. Walsh disclose declining to permit access by recipient to the message when signature is determined to be not authentic in (fig.2 and col.15,lines 7-11). It would have been obvious to person of ordinary skill in the art at the time invention was made to prohibit message access if signature determined to be not authentic taught in Walsh with message system disclosed in Shanton because user can inadvertently open the file and if the file contains the virus, it can

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severely damage the system. Therefore prohibiting access to unauthenticated data ensures that potentially infected data such as viruses will not be copied to other storage area or infect the whole system.

Allowable Subject Matter

3. Claims 11-13,16-18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.


Response to Applicant's arguments

4. The previous rejections based on Katz, Ji and Nielsen patents are withdrawn in view of applicant's arguments filed on 4/3/06. However, newly discovered prior art necessitated new grounds of rejections. New rejections are presented above.

USPTO Contact Information

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HOSUK SONG whose telephone number is 5712723857. The examiner can normally be reached on mon-fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, KIM VU can be reached on 5712723859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.


HOSUK SONG
PRIMARY EXAMINER

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.